

REMARKS

Claims 1-8 and 21-24 are pending. In the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Bertin et al. (5,955,818). Claims 1-8 and 21-24 were rejected under 35 U.S.C. §112 second paragraph. These rejections are respectfully traversed. The Office Action indicated claims 4-8 and 21-24 include allowable subject matter.

REJECTIONS UNDER 35 U.S.C. § 112 2nd Paragraph

Claims 1-8 and 21-24 were rejected under 35 U.S.C. §112 2nd paragraph. The rejection alleges claim 1 is vague and indefinite since it is unclear how the charged species source and drain mount/connect to the movable component and the exact functional/structural relationship among the charged species source and drain, the movable component, and the first and second protrusions.

This rejection is traversed because claim 1 includes functional/structural relationships between components. In particular, claim 1 recites a movable component in close proximity to the charged species source, and a first and second protrusion proximate to the movable component. Thus, the functional/structural relationships are claimed and the Applicant requests withdrawal of this rejection.

The rejection of claim 1 further alleges that claim 1 is incomplete because there is no electronic-charge transferring device found as a result of performing the claimed steps. The Applicant respectfully disagrees, because claim 1 includes the components of an electronic-charge transferring device. Hence, the Applicant requests withdrawal of this rejection.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Bertin et al. When making a rejection under 35 U.S.C. §102, a necessary condition is that the reference must teach every aspect of the claimed invention either explicitly or impliedly. (see MPEP, §706.02). If any claimed element is missing from the applied reference, then the claim is distinguishable over the reference.

Independent claim 1 recites, “providing a charged species source and a charged species drain.” The rejection of claims 1-3 indicates that the claimed charged species source and drain are taught by the stator of Bertin et al. Bertin et al. discloses a micromachine layer 10, which is an electrostatic motor, fabricated on a substrate 12 shown in figure 1. The layer 10 includes stator structures 16 and a rotor structure 18 that rotates upon the application of appropriate potentials to the stator structures 16 in a manner known in the art. *See* column 3, lines 19-34. Typically, a rotor is driven by charging the rotor and the stator to create a magnetic field for driving the rotor. However, Bertin et al. fails to teach that the rotor 16 is a charged species source and a charged species drain as alleged in the rejection. If this rejection is maintained the Examiner must indicate where there is a teaching in Bertin et al. for the claimed step of providing a charged species source and a charged species drain. In addition, if the Examiner is relying on an inherency teaching, the Examiner must elaborate on why it is inherent that the stator 16 of Bertin et al. is a charged species source and the charged species drain.

In addition, claim 1 recites, “positioning a movable component, having a size of a micrometer scale or smaller and being operable to transfer charge to the charged species drain, in close proximity to the charged species source.” The rejection indicates the movable component is taught by the rotor 18 of Bertin et al. However, Bertin et al. fails to teach the

rotor 18 transferring charge to the stator 16 as alleged in the rejection. For at least these reasons claims, claims 1-8 and 21-24 are believed to be allowable.

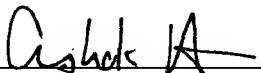
CONCLUSION

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, the Applicant respectfully requests issuance of a Notice of Allowability. If the undersigned attorney can assist in any matters regarding examination of this application, the Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Gary Gibson

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